

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

QIONG CHENG ET. AL.

CASE NO.: CL2385USNA

APPLICATION NO.: UNKNOWN

GROUP ART UNIT: UNKNOWN

FILED: CONCURRENTLY HERewith

EXAMINER: UNKNOWN

FOR: GENES ENCODING CAROTENOID COMPOUNDS

**DECLARATION OF BIOLOGICAL CULTURE DEPOSIT**Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

I, S. NEIL FELTHAM, declare that:

I am an attorney/agent of record for the owner of the above-identified application.

Cultures of the following biological materials have been deposited with the following international depository(ies):

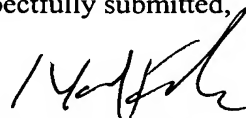
American Type Culture Collection (ATCC)  
10801 University Blvd., Manassas, VA 20110-2209, U.S.A.

under conditions that satisfy the requirements of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. A copy of the receipt issued pursuant to Rules 7.3 and 10.2 (stating the term of the deposit) is attached.

<u>Depositor's Identification of Organism</u>	<u>International Depository Accession Number</u>	<u>Date of Deposit</u>
<i>Methylobacterium: Methylobacterium 16a sp.</i>	PTA-2402	August 22, 2000

I further aver that all restrictions on the availability to the public of the culture will be irrevocably removed upon the granting of a U.S. patent on the above-identified application.

Respectfully submitted,

S. NEIL FELTHAM  
ATTORNEY/AGENT FOR APPLICANTS  
REGISTRATION NO. 36,506  
TELEPHONE: (302) 992-6460  
FACSIMILE: (302) 992-5374Dated: 3/25/04  
Enclosure: Deposit Receipt

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

DuPont Company  
Attn: Kyungok Wun-Kim  
DuPont Experimental Station  
E301/317  
Willmington, DE 19880

Deposited on Behalf of: DuPont Company

Identification Reference by Depositor:  
*Methylomonas*: *Methylomonas* 16a sp.

Patent Deposit Designation  
PTA-2402

The deposit was accompanied by:     a scientific description     a proposed taxonomic description indicated above.

The deposit was received August 22, 2000 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested September 8, 2000. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

  
Frank Simone, Director, Patent Depository

Date: November 16, 2000

cc: S. Neil Feltham (Ref: Docket or Case No.: BC-1039)

BEST AVAILABLE COPY